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**Ellen J. Schned**  
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EX PARTE OR LATE FILED

March 31, 1997

**VIACOM**

William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 "M" Street, Northwest  
Room 222  
Washington, D.C. 20554

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MAR 31 1997

RE: MM Docket No. 87-268, Advanced Television Systems (Sixth FNPRM)

Oral Ex Parte Presentation To:

Julius Genachowski, Office of Chairman Hundt  
Marsha MacBride, Office of Commissioner Quello  
David Siddall, Office of Commissioner Ness  
Jane Mago, Office of Commissioner Chong  
Robert Pepper, Office of Plans and Policy  
Bruce Franca, Alan Stillwell and Robert Eckert, Office of Engineering and Technology

Federal Communications Commission  
Office of Secretary

Dear Mr. Caton:

On March 26, 1997, representatives of Viacom International Inc. (Viacom), the Association of America's Public Television Stations (APTS), PBS, and Sinclair Broadcast Group, Inc. (Sinclair) met with the following persons from the Commission: Julius Genachowski, Senior Counsel to Chairman Hundt; Marsha MacBride, Legal Advisor to Commissioner Quello; David Siddall, Legal Advisor to Commissioner Ness; Jane Mago, Senior Legal Advisor to Commissioner Chong; Robert Pepper, Chief of the Office of Plans and Policy; and Bruce Franca, Deputy Chief, Alan Stillwell, Senior Economist, and Robert Eckert, Staff Engineer, of the Office of Engineering and Technology. Tom Polgar represented Viacom, Harvey Arnold represented APTS and PBS, and Nat Ostroff represented Sinclair.

The nature and scope of the oral presentation were limited to the UHF/VHF power-level disparity and other issues addressed in the Motion for Extension of Time filed by Sinclair on January 2, 1997, and in reply comments separately filed on January 24, 1997 by Viacom and Sinclair in response to the Sixth Further Notice of Proposed Rule Making. Also discussed were topics contained in the attached letter, a copy of which was furnished to each of the Commission participants.

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The proceeding at issue is a nonrestricted proceeding in which presentations are permitted, but must be disclosed. Pursuant to Section 1.1206 of the Commission's Rules, which governs non-restricted proceedings, an original and a copy of this letter and the letter distributed at the meeting are hereby submitted.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ellen J. Schned".

Ellen J. Schned  
Vice President,  
Government Affairs

Enclosures

cc: Julius Genachowski (w/o enclosure)  
Marsha MacBride (w/o enclosure)  
David Siddall (w/o enclosure)  
Jane Mago (w/o enclosure)  
Robert Pepper (w/o enclosure)  
Bruce Franca (w/o enclosure)  
Alan Stillwell (w/o enclosure)  
Robert Eckert (w/o enclosure)

March 26, 1997

The Honorable Reed E. Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, Northwest  
Room 814  
Washington, D.C. 20554

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MAR 26 '97  
FEDERAL COMMUNICATIONS  
COMMISSION  
OFFICE OF SECRETARY

Dear Chairman Hundt:

We are writing to express our views about the proposed table of allotments for advanced digital television (DTV) being considered pursuant to the Sixth Further Notice of Proposed Rule Making.

It is critical that any table of allotments implemented by the Commission ensure that the DTV signals of the existing UHF stations (the U-to-U's) receive sufficient power to ensure that they can be seen by their current audiences, especially in the Grade A contour using a simple indoor direct connected antenna, and to ensure that existing relative competitive balance between UHF and VHF broadcasting be maintained. Unfortunately, we are concerned that both the table of allotments proposed by MSTV and by the FCC in the Sixth Further Notice fail to achieve these generally accepted goals.

As you know, to address the concerns of a number of UHF broadcasters regarding these tables of allotments, the Broadcaster Caucus, Sinclair Broadcasting, and Viacom Inc. developed a compromise proposal which was submitted to the Commission on January 24, 1997. After the compromise had been reached it became apparent that the signatories had such different interpretations of its salient provisions that the compromise became unworkable.

In order to facilitate the transition to DTV at the fastest practicable speed while ensuring that the maximum number of viewers will be able to receive the DTV versions of all television stations they now receive, we propose that the Commission adopt a table of allotments based on the following planning factors:

1. A power cap for DTV stations of 1 megawatt. Given the other demands for spectrum that the Commission is attempting to satisfy, we believe that power levels in excess of 1 megawatt provide marginal additional benefits to "V-to-U" stations, but necessitate a table of allotments in which "U-to-U" power is reduced in a way that will disenfranchise millions of existing viewers of PBS, UPN, Fox, WB, and independent stations. Once the table is established and U-to-U stations have been permitted to maximize power levels to the extent possible, the Commission could consider proposed increases in V-to-U stations' power levels if it will not cause material interference.

2. A floor of at least 50 kilowatts in power for "U-to-U" stations. In recognition of the fact that 50 kilowatts may not replicate the competitive landscape of the analog world, the Commission should permit an upward adjustment in the initial U-to-U power levels to maximize, to the extent possible without causing additional material interference, the U-to-U coverage areas up to, but not exceeding, the largest coverage area in the market. The adjustment should be based on some modification in permissible interference levels to be determined based on computer modeling, as well as market-by-market analysis, conducted by the Commission's Office of Engineering and Technology in conjunction with an industry advisory group representing the affected broadcasters.

3. No bias against the use of channels 52-59 in the assignment of DTV frequencies. We believe that use of these channels will be required to truly meet the goal of replication and maximization. The Commission must also realize that some use of channels 60-69 will be required. Premature disposition of those channels could deprive the Commission of needed flexibility to make necessary adjustments in the table of allotments at a later date.

4. A 10 dB noise figure for receivers. We believe that a 7 dB noise figure may be an unrealistic planning factor unless the Commission imposes receiver standards.

We appreciate the difficult task the Commission is undertaking in trying to facilitate a transition to digital television. We respectfully submit that no transition can succeed if the result will be to deprive millions of viewers of reception of television signals which they now receive.

Adoption of these proposed planning factors, especially the reexamination of proposed interference criteria, will allow UHF broadcasters to provide a viable and competitive digital service to American television viewers. We hope that it will be possible to develop a table of allotments based on these factors prior to the Commission's scheduled meeting on April 3, 1997, or if not by then, then immediately subsequent to the release of any order. The immediate adoption of a fair and workable table will encourage the rapid build-out of UHF digital facilities.

Thank you for your consideration of this request.

Respectfully submitted by,

Viacom Inc.

Association of America's Public Television Stations

Public Broadcasting Service

Sinclair Broadcast Group

Home Shopping Network, Inc.

Paxson Communications Corporation

Clear Channel Communications, Inc.  
Univision Television Group  
Sullivan Broadcasting Company  
Pappas Telecasting Companies  
Pegasus Broadcasting Television Inc.  
Glencairn Ltd.  
Malrite Communications Group, Inc.  
Southern Broadcast Corporation of Sarasota, Inc.  
KADN Broadcasting  
Delta Media Corporation  
Warwick Communications  
Boston University Communications, Inc.  
Max Media Properties L.L.C.  
Bay Television  
Channel 63, Inc.  
Grant Broadcasting Group  
Communications Corporation of America (CCA)  
White Knight Broadcasting, Inc.  
Mid-State Television, Inc.  
Twenver Broadcast, Inc.  
Newsweb Corporation

cc: Commissioner James H. Quello  
Commissioner Susan P. Ness  
Commissioner Rachelle B. Chong

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MAR 27 1997

March 27, 1997

FEDERAL COMMUNICATIONS COMMISSION  
JANUARY 25, 1997

The Honorable Reed E. Hundt  
Chairman  
Federal Communications Commission  
1919 "M" Street, Northwest  
Room 814  
Washington, D.C. 20554

Dear Chairman Hundt:

On March 25, 1997, numerous broadcasters, representing well in excess of 400 UHF television stations, submitted a letter to you regarding their concern with, and proposed solutions to, the power level disparity between UHF and VHF stations under the table of allotments proposed by the Commission in the Sixth Further Notice of Proposed Rule Making. (A copy of that letter is enclosed for your convenience.) Since the submission of that letter, additional broadcasters have signed the letter. Those additional signatories are:

Telemundo Group, Inc.  
Trinity Broadcasting Network  
Northwest Broadcasting, Inc.

Sincerely,  
VIACOM INC.



Ellen J. Schned

cc: Commissioner James H. Quello  
Commissioner Susan P. Ness  
Commissioner Rachelle B. Chong